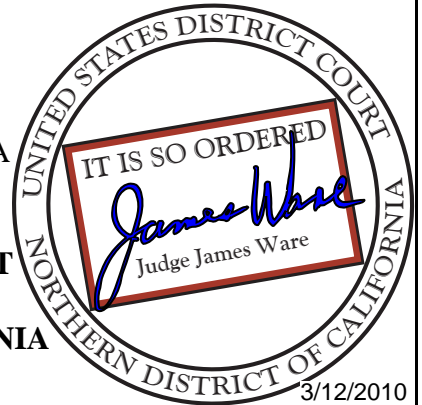


1 B. JAMES FITZPATRICK (Bar No.129056)  
2 CHARLES SWANSTON (Bar No.181882)  
3 FITZPATRICK, SPINI & SWANSTON  
4 Attorneys at Law  
5 838 South Main Street, Suite E  
6 Salinas, California 93901  
7 Telephone: (831) 755-1311  
8 Facsimile: (831) 755-1319

9 Attorneys for Plaintiffs, FELISA ESTRADA and SERGIO ZAMORA

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION



FELISA ESTRADA and SERGIO ZAMORA,  
individually and on behalf of other similarly  
situated persons,

Plaintiffs,

v.

SALYER AMERICAN, a California  
Corporation; SALYER AMERICAN FRESH  
FOODS, INC., a California Corporation; SK  
FOODS, L.P., a California Limited Partnership;  
SK FROZEN FOODS, LLC, a California  
Limited Liability Company; THE SCOTT  
SALYER REVOCABLE TRUST; RHM  
INDUSTRIAL/SPECIALTY FOODS, INC., a  
California Corporation; SCOTT SALYER,  
individually and doing business as SALYER  
AMERICAN; BANK OF THE WEST, a  
California banking Corporation; AGSTAR  
FINANCIAL SERVICES, PCA/FLCA; FCS  
FINANCIAL, PCA; STEVE FRANSON; and  
DOES 1 through 100, inclusive,

Defendants.

Case No. CV 09-05618 JW

**NOTICE OF VOLUNTARY  
DISMISSAL OF PARTIES**

NOTICE IS HEREBY GIVEN that pursuant to Federal Rules of Civil Procedure 41(a)(1),  
plaintiffs voluntarily dismiss from the above-captioned action, defendant SALYER AMERICAN  
without prejudice. All parties are to bear their own attorneys' fees and costs.

//

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date: March 2, 2010

FITZPATRICK, SPINI & SWANSTON

/S/ CHARLES SWANSTON  
Charles Swanston  
Attorneys for Plaintiffs  
FELISA ESTRADA and SERGIO ZAMORA

**CERTIFICATE OF SERVICE**

I am employed in the County of Monterey, State of California. I am over the age of 18 and not a party to the within action; my business address is FITZPATRICK, SPINI & SWANSTON, 838 S. Main Street, Suite E, Salinas, California 93901.

On March 2, 2010, I served the foregoing document(s), described as

**NOTICE OF VOLUNTARY DISMISSAL OF PARTIES**

on the interested parties in this action by placing a true copy thereof enclosed in a parcel and addressed as indicated below and by the following means:

Leland Saccone, Esq.  
Patane Gumberg, LLP  
4 Rossi Circle, Suite 231  
Salinas, CA 93907  
Telephone: (831) 755-1461  
Facsimile: (831) 755-1477  
*Counsel for Salyer American*

XX

**(BY MAIL)** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

**(BY OVERNIGHT DELIVERY)** I enclosed the document(s) in an envelope or package and addressed to the person(s) listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

**(BY PERSONAL SERVICE)** I caused such document(s) to be delivered by hand to the office(s) of the addressee(s) during business hours.

**(BY E-MAIL OR ELECTRONIC TRANSMISSION)** By court order or by agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the person(s) at the e-mail address(es) listed above. I did not receive within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 2, 2010, at Salinas, California.

/S/  
GLADYS RODRIGUEZ